

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

FREDERICK BANKS

PETITIONER

VERSUS

CIVIL ACTION NO. 5:09cv148-DCB-MTP

BRUCE PEARSON

RESPONDENT

ORDER

This cause is before this court on the petitioner's request to "recuse David Bramlette from hearing petition." *Mot.* [2] p. 1. The request for the recusal is based on the petitioner's dissatisfaction with the rulings entered by the undersigned in other cases. Having carefully considered the motion and the applicable law, the court finds that the petitioner's motion [2] should be denied.

Title 28 U.S.C. Section 455 (a) requires a judge to stand recused "in any proceeding in which his impartiality might reasonably be questioned." As the goal of § 455(a) "is to exact the appearance of impartiality," recusal may be mandated even though no actual partiality exists. *Hall v. Small Business Admin.*, 695 F.2d 175, 178 (5th Cir. 1983). The standard for recusal is an objective one. If a "reasonable man, were he to know all the circumstances, would harbor doubts about the judge's impartiality," then recusal is warranted. *Health Services Acquisition Corp. v. Liljeberg*, 796 F.2d 796, 800 (5th Cir. 1986).

The petitioner contends that the undersigned has "rubber stamped every petition in this court Banks has filed denied and [is] apparently biased against him." *Mot.* [2] p.2. This is not sufficient grounds to warrant recusal pursuant to 28 U.S.C. § § 144 or 455. *See Liteky v. United States*, 510 U.S. 540, 555 (1994); *United States v. Mizell*, 88 F.3d 288 (5th Cir. 1996). Therefore, the court finds that the petitioner's motion [2] is not well-taken, and is hereby DENIED.

SO ORDERED, this the 28th day of October, 2009.

s/David Bramlette

UNITED STATES DISTRICT JUDGE